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### **REMARKS**

Claims 1-12 are pending and rejected in the non-final Office Action; claim 4 and claims 13-24 are herewith canceled without prejudice or disclaimer; claim 1 and 9 are herewith amended; and no new claims added.

Thus, claims 1-3 and 5-12 are pending examination on the merits.

Applicants respectfully request entry and favorable consideration of the remarks and amendments presented herein.

#### **Claim Rejection Under 35 U.S.C. §112**

Claim 4 stands rejected under 35 U.S.C. §112, second paragraph, essentially for reciting trademarks and/or trade names to refer to particular materials or products.

Applicants herewith cancels claim 4 thereby rendering this ground of rejection moot.

#### **Claim Rejection Under 35 U.S.C. §102**

Claims 1-9 stand rejected under 35 U.S.C. §102 as being anticipated by a published application by Coustier et al. (Coustier).

Applicants herewith amend independent claim 1 to recite claim limitations not found in Coustier. Since a rejection grounded in anticipation requires each and every recited element be found in a single reference Applicants respectfully suggest that the Coustier cannot stand. Accordingly, Applicants respectfully request that the rejection of claims 1-9 be withdrawn.

#### **Claim Rejection Under 35 U.S.C. §103**

Claims 10-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Coutier in view of U.S. Pat. No. 6,432,572 to Yoshida et al. (Yoshida).

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Applicants herein amend independent claim 1 to affirmatively recite that the invention relates to a capacitor. Inasmuch as Coutier relates exclusively to secondary (rechargeable lithium-ion) batteries and Yoshida relates to a battery valve and a battery using same, Applicants suggest that the combination of Coutier and Yoshida fails to form a *prima facie* obviousness rejection. Furthermore, neither reference suggests the combination of the two disparate battery-oriented disclosures to arrive at the claimed *capacitor* combination.

Since claims 10-12 depend from independent claim 1 Applicants respectfully suggest that the attempted rejection fails and should properly be withdrawn.

### Conclusion

In view of the foregoing remarks and amendments, it is believed that claims 1-3 and 5-12 of the instant application are now in condition for allowance and Applicants respectfully request the Examiner to issue a Notice of Allowance in due course.

The amendments and modifications of any claim herein occurred as a matter of form and convenience and, unless otherwise indicated, each such amendment or modification was tendered for reasons not related to patentability of the subject matter herein claimed.

The Examiner is invited to contact the undersigned regarding this application.

Respectfully submitted,  
John D. Norton et al.

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Date

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